

Senate File 2338 - Introduced

SENATE FILE 2338
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3150)

A BILL FOR

1 An Act relating to civil actions, including the total amount
2 recoverable as a noneconomic damages award against a health
3 care provider, recoverable damages for medical expenses, and
4 evidence offered to prove past medical expenses.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 147.136A, subsection 2, Code 2020, is
2 amended to read as follows:

3 2. The total amount recoverable in any civil action for
4 noneconomic damages for personal injury or death, whether in
5 tort, contract, or otherwise, against a health care provider
6 shall be limited to ~~two~~ seven hundred fifty thousand dollars
7 for any occurrence resulting in injury or death of a patient
8 regardless of the number of plaintiffs, derivative claims,
9 theories of liability, or defendants in the civil action,
10 ~~unless the jury determines that there is a substantial or~~
11 ~~permanent loss or impairment of a bodily function, substantial~~
12 ~~disfigurement, or death, which warrants a finding that~~
13 ~~imposition of such a limitation would deprive the plaintiff of~~
14 ~~just compensation for the injuries sustained.~~

15 Sec. 2. NEW SECTION. 622.4 Medical expenses.

16 Evidence offered to prove past medical expenses shall be
17 limited to evidence of the amounts actually paid to satisfy
18 the bills that have been satisfied, regardless of the source
19 of payment, and evidence of the amounts actually necessary
20 to satisfy the bills that have been incurred but not yet
21 satisfied. Evidence of the amounts actually necessary to
22 satisfy the bills that have been incurred shall not exceed
23 the amount by which the bills could be satisfied by the
24 claimant's health insurance, regardless of whether such health
25 insurance is used or will be used to satisfy the bills. This
26 section does not impose upon any party an affirmative duty to
27 seek a reduction in billed charges to which the party is not
28 contractually entitled.

29 Sec. 3. NEW SECTION. 668.14A Recoverable damages for
30 medical expenses.

31 1. In an action brought to recover damages for personal
32 injury, the damages that may be recovered by a claimant for the
33 reasonable and necessary cost or value of medical care rendered
34 shall not exceed the sum of the amounts actually paid by or
35 on behalf of the injured person to the health care providers

1 who rendered treatment and any amounts actually necessary to
2 satisfy the medical care charges that have been incurred but
3 not yet satisfied.

4 2. This section does not apply to actions governed by
5 section 147.136.

6 EXPLANATION

7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

9 This bill relates to civil actions, including the total
10 amount of noneconomic damages recoverable in a civil action
11 for personal injury or death against a health care provider,
12 recoverable damages for medical expenses, and evidence offered
13 to prove past medical expenses.

14 Current law limits to \$250,000 the amount of noneconomic
15 damages recoverable for any occurrence resulting in injury or
16 death of a patient regardless of the number of plaintiffs,
17 derivative claims, theories of liability, or defendants in
18 the civil action, unless the jury determines that there is
19 a substantial or permanent loss or impairment of a bodily
20 function, substantial disfigurement, or death, which warrants
21 a finding that imposition of such a limitation would deprive
22 the plaintiff of just compensation for the injuries sustained.
23 Current law also provides that the limitation on damages
24 shall not apply as to a defendant if the defendant's actions
25 constituted actual malice.

26 The bill increases the limitation from \$250,000 to \$750,000.
27 The bill also eliminates the exception to the new limitation
28 of \$750,000 that would allow the jury to determine if the
29 imposition of such a limitation would deprive the plaintiff of
30 just compensation for the injuries sustained.

31 Under the bill, "noneconomic damages" means damages arising
32 from pain, suffering, inconvenience, physical impairment,
33 mental anguish, emotional pain and suffering, loss of chance,
34 loss of consortium, or any other nonpecuniary damages.

35 The bill provides that evidence offered to prove past

1 medical expenses shall be limited to evidence of the amounts
2 that were actually paid to satisfy medical bills that have been
3 satisfied and evidence of the amounts necessary to satisfy
4 medical bills that have not yet been satisfied. The bill
5 additionally provides that evidence of the amounts actually
6 necessary to satisfy medical bills that have been incurred
7 shall not exceed the amount by which the medical bills could
8 be satisfied by the claimant's health insurance, regardless
9 of whether such health insurance is used or will be used
10 to satisfy the medical bills. The bill does not impose an
11 affirmative duty to seek a reduction in billed charges to which
12 the party is not contractually entitled.

13 Finally, the bill limits the damages that may be recovered
14 in a personal injury action. The bill provides the damages
15 that may be recovered by a claimant for the reasonable and
16 necessary cost of medical care rendered shall not exceed the
17 sum of the amounts actually paid by or on behalf of the injured
18 person to the health care providers who rendered treatment and
19 any amounts necessary to satisfy the medical care charges that
20 have been incurred but not yet satisfied. The bill provides
21 that this limitation does not apply to those actions governed
22 by Code section 147.136, which applies to malpractice actions
23 against certain medical professionals and hospitals.